

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEFFREY P. DATTO, Ph.D.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO: 2-09-cv-02549
	:	
	:	
THOMAS JEFFERSON UNIVERSITY,	:	
et al.	:	

PLAINTIFF'S PRE-HEARING SUBMISSION

Plaintiff, by and through his undersigned counsel and pursuant to the Court's Order, hereby submits this Pre-Hearing Submission in advance of the evidentiary hearing scheduled for March 12, 2010.

PLAINTIFF'S EXHIBITS

1. High School and University Transcripts
2. Jefferson Medical College Information for Prospective Students
3. Additional documents from Thomas Jefferson University concerning the combined MD/PhD Program
4. Application and Award of an NIH Grant
5. Requirement to alter elements of Plaintiff's research project pursuant to the NIH Grant
6. Document setting out the nature of the assistance promised to Plaintiff pursuant to his dissertation
7. Plaintiff's clinical grades
8. Review sheet from neurology rehab tests

9. Letters of recommendation
10. Dean's letter summarizing Plaintiff's abilities at Jefferson
11. Step II Clinical Skills of Plaintiff
12. Information regarding Plaintiff's inpatient internship in Internal Medicine
13. Letter regarding monies allegedly owed by Plaintiff to Defendant
14. Letter from psychiatrist regarding shaking
15. Letters from Kenneth M. Serta, MD regarding Plaintiff's medical condition in
2005
16. One version of reinstatement agreement
17. Notes from George A. Datto
18. Another version of the reinstatement agreement
19. Admission by Jefferson that money had been improperly withheld from Plaintiff
20. Third version of Reinstatement Agreement
21. Letter from Dr. Lopez to Plaintiff stating he would be reinstated.
22. Release agreement by Plaintiff to Defendant permitting Defendant to receive
medical information
23. Medical report from Elmhurst Memorial Healthcare
24. E-mail communications between Plaintiff and Physician's Health Program of
Pennsylvania
25. PSG I Report of Plaintiff from Dr. Gallo from the Sleep Diagnostic & Treatment
Center dated November 14, 2005
26. Neuropsychological Evaluation of Plaintiff dated November 2005
27. Log by Plaintiff of ingestion of caffeine pills

28. Evaluation by Dr. Christian Kohler
29. Letter from Physician's Health Programs regarding requirement for retesting
30. Neurology Report from the University of Pennsylvania
31. Follow-up with the University of Pennsylvania Department of Neurology
32. Results of MRI of Plaintiff's brain
33. Requests for emails denied by Defendant
34. Documentation from Plaintiff regarding contact with Jefferson re: emails
35. Letter from psychiatrist regarding Plaintiff's condition
36. Admission by Defendant that emails exist but requiring review before they would be disclosed
37. Diagnosis from University of Pennsylvania Health System
38. Letter from clinical psychologist requesting emails (emails also not provided)
39. Three reports from neurologists at the Wellness Center regarding Plaintiff
40. Meeting with Physician's Health Programs in 2006
41. Email sent by Plaintiff regarding patients using illicit drugs
42. Email from another medical student to Plaintiff
43. Voicemails of Dr. Dugar regarding Plaintiff
44. Letter from the NIH regarding reinstatement of Plaintiff's grant
45. Document regarding Plaintiff's joining of Myspace
46. Letter from Dr. Lawler regarding refusal to repeat neurological testing
47. Sleep apnea improvement document
48. Letter from Dr. Cohen regarding reinstatement

49. Letter by Dana B. Klinges regarding alleged convening of a committee to develop remediation plan for Plaintiff

50. Psychiatric report from Arnold D. Goldman, M.D. regarding Plaintiff's medical condition or lack thereof

51. Repeat neurological evaluation from Cooper University Hospital

52. Letter from Plaintiff to Dr. Callahan regarding withdraw from Lithium

53. Letter and report from Edward Teitelman, M.D. regarding misdiagnosis of Plaintiff

54. Letter from Dr. Fink regarding Plaintiff

55. Expert report from Paul J. Fink regarding Plaintiff

56. Document indicating that Jefferson is part of the State Medical School of Delaware

57. Document showing that Dr. Certa is part of the Pennsylvania Medical Society

58. Section of Jefferson's Handbook regarding procedure after academic dismissal

59. Minutes from Committee on Student Promotion on October 10, 2006

60. Minutes from the Thesis Committee Meeting of Plaintiff

61. Email threatening a Complaint because of failure to release medical information to Plaintiff's physicians

62. Internal email of employees of Defendants

63. Incomplete attachment regarding Committee on Student Promotions

64. Motion to Dissolve or Reconsider Preliminary Injunction Order and Memorandum of Law dated December 21, 2006

65. Deposition of Dr. Abigail Wolfe

66. Deposition of Dr. Diane Merry
67. Deposition of Dr. Bernard Lopez
68. Deposition of Dr. Christopher Chambers
69. Affidavit of Dr. Klein
70. Internal email dated July 15, 2005 referencing no specific threats in the past
71. November 25, 2006 e-mail Plaintiff sent to Jefferson notifying them of the existence of Myspace site
72. Medical chart of Dr. Youakim (Psychiatrist)
73. E-mail to Dean Nasca complaining of structure of MD\PhD Program which was copied to the Anesthesia Program Director at Harvard.
74. Internal email from Dr. Callahan prior to receiving the failing grade and dismissal referencing the financial dispute over the funding of the MD\PhD program.
75. Fourth Amended Complaint,
76. Response to Plaintiff's Motion to Dismiss
77. Motion for Preliminary Injunction
78. Reply brief in support of Motion for Preliminary injunction

PLAINTIFF'S WITNESS LIST

1. Plaintiff, Jeffrey Datto, Ph.D.
2. George A. Datto
3. Dr. Paul Fink
4. Dr. Arnold Goldman
5. Dr. Edward Teitelman

TIMOTHY M. KOLMAN AND ASSOCIATES

By: /s/ Timothy M. Kolman, Esquire
Timothy M. Kolman, Esquire
Attorney for Plaintiff

Dated: February 17, 2010